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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHAVEZ,

Defendant.

CASE NO. 1:20-CR-00218-JLT-SKO

STIPULATION TO CONTINUE CHANGE OF
PLEA; ORDER THEREON

Court: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a CHANGE OF PLEA HEARING on February 3, 2023

2. By this stipulation, defendant now moves to **continue the change of plea hearing until April 10, 2023 at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The reasons for the continuance include to provide defense counsel with additional time to review the change of plea considerations with his client. In addition, Defendant is scheduled for a medical surgery in the interim that will make meeting with his attorney more difficult. The proposed change of plea date represents the earliest date that counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing.

a) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking

into account the exercise of due diligence.

b) The government does not object to the continuance.

c) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 3, 2023 to April 10, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 30, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: January 30, 2023

/s/ Dan Harralson
Attorney for Defendant Armando Chavez

ORDER

IT IS SO ORDERED.

DATED: 1/30/2023

Sheila K. Oberto
HONORABLE SHEILA K. OBERTO
United States Magistrate Judge